IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 9412 of 2007(U)

PETITIONER:

A.M.MOIDU,M/S.SAMRAT RICE MILL,
KOLAYAKKAD P.O,PALAKKAD.

BY ADV. SRI.K.I.SAGEER

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,VYDYUTHUI BHAVAN,
   THIRUVANANTHAPRUAM.

2. **DEPUTY CHIEF ENGINEER,APTS(HQ),K.S.E.B,**
   VIGILANCE WING,VYDYUTHI BHAVAN,THIRUVANANTHAPURAM.

3. **DEPUTY CHIEF ENGINEER,K.S.E.B,**
   ELECTRICAL CIRCLE,PALAKKAD.

4. **ASSISTANT EXECUTIVE ENGINEER,K.S.E.B,**
   ELECTRICAL SUB DIVISION,ALATHUR.

5. **ASSISTANT ENGINEER,ELECTRICAL SECTION,**
   K.S.E.B PUTHUCODE,PALAKKAD.

6. **DEPUTY THAHSILDAR,REVENUE RECOVERY,**
   ALATHUR,PALAKKAD.

7. **VILLAGE OFFICER,KANNAMBRA,ALATHUR,**
   PALAKKAD.

BY GOVERNMENT PLEADER SMT.R.BINDU
BY ADV.SRI.JOSE J.MATHEICKAL, SC., KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.9412/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.3.12.04 OF THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE DEMAND NOTICE DT.7.12.04 ALONG WITH STATEMENT.

EXT.P3:- COPY OF THE NOTICE DT.21.11.06 OF THE 5TH RESPONDENT.

EXT.P4:- COPY OF THE NOTICE DT.26.2.07.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 9412 OF 2007-U

JUDGMENT

The petitioner challenges Ext.P3 notice and Ext.P4 revenue recovery notice. Alternatively, it is prayed that the petitioner may be permitted to pay the amount demanded in instalments. He also prays, the competent authority may be directed to consider his grievance regarding the rate of interest. Pursuant to the interim order of this Court, the petitioner has already paid one-fourth of the amount before 31.3.2007, it is submitted.

2. The petitioner shall pay the balance amount in six equal monthly instalments, the 1st instalment starting from 30.4.2007. Other instalments shall also be paid before the last working day of the succeeding months. In the meantime, the petitioner may move the 3rd respondent for reduction of interest,by filing a representation along with a copy of this judgment. In that event the said respondent will consider the claim for reduction of interest, in the light of the judgment of the Division Bench of this Court in **Abdul Nazer v. K.S.E.B**. (2006(1) KLT 811) within one month from the date of receipt that representation. If reduction of interest is granted, needless to say, the instalments can be reduced correspondingly. Since the

connection is already dismantled, the petitioner can move for fresh connection, after clearing the arrears due to the K.S.E.B. In that event, the K.S.E.B will process the application in accordance with law.

The Writ Petition is disposed of as above.

3rd April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/